

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COUNTY OF BERKS

PLAINTIFF,

v.

OTIS ELEVATOR COMPANY

DEFENDANT.

CIVIL ACTION NO. 5:15-cv-04862-LS

ORDER

AND NOW, this 23rd day of September, 2015, upon consideration of Plaintiff's Petition for Special Relief, and Defendant's response thereto, it is hereby ORDERED that said Petition is GRANTED. Within twenty-four (24) hours of the date of this Order, Defendant shall present to Plaintiff on the 13th Floor of the Berks County Services Center the following materials:

- (1) A functioning Otis Maintenance Tool capable of servicing Otis Elevonic 401 Controllers;
- (2) All Elevonic 401 owner's manuals, service manuals and service bulletins for the traction elevators,
- (3) All owner's manuals, service manuals and service bulletins for the hydraulic elevators;
- (4) All OMT overlays;
- (5) All OMT manuals, operating instructions, and codes lists; and
- (6) Any other tools or material necessary to service the elevators in the Services Center and Courthouse.

IT IS FURTHER ORDERED that the Plaintiff, its contractors, subcontractors, agents, consultants, subconsultants, experts, vendors, and/or employees shall use the OMT only as necessary to facilitate the proper maintenance and servicing of the Otis elevators currently located in the Services Center and Courthouse, and for no other business, commercial, competitive, personal, or other purpose.

Prior to the using the OMT, the Plaintiff shall have its contractors, subcontractors, agents, consultants, subconsultants, experts, vendors, and/or employees execute the Agreement To Be Bound By Confidentiality Agreement attached as Exhibit A.

The County shall return the OMT to the Defendant once the final Otis Elevonic 401 Elevator in the Services Center and Courthouse is taken out of service as part of an on-going modernization project.

In the event the OMT does not operate for any reason, the Defendant shall provide the County with a replacement OMT within two (2) business days.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____	:	
COUNTY OF BERKS,	:	
	:	
Plaintiff	:	No. 5:15-cv-04862-LS
v.	:	
	:	
OTIS ELEVATOR COMPANY,	:	
	:	
Defendant.	:	
_____	:	

AGREEMENT TO BE BOUND BY CONFIDENTIALITY AGREEMENT

I, _____, being duly sworn, state that:

1. My address is: _____
2. My present employer is: _____

and the address of my present employer is: _____

3. My present occupation or job description is: _____

4. I have carefully read and I understand the provisions of the attached Confidentiality Agreement between the parties, and I will comply with all provisions contained therein.

I declare under penalty of perjury that the foregoing is true and correct.

[Printed Name]

[Date]

[Signature]